



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

<b>PUBLIC MEETING MINUTES:</b>	<b>DELAWARE REAL ESTATE COMMISSION</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, February 10, 2011 at 9:00 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	March 10, 2011

### **MEMBERS PRESENT**

Vincent M. White, Professional Member, Chairman  
Christopher J. Whitfield, Professional Member, Secretary  
Gilbert Emory, Public Member  
Patricia O'Brien, Public Member  
Denise R. Stokes, Public Member  
Ricky H. Allamong, Professional Member  
Michael Harrington, Sr., Professional Member

### **DIVISION STAFF/ DEPUTY ATTORNEY GENERAL**

James Collins, Director, Division of Professional Regulation  
Kay Warren, Deputy Director, Division of Professional Regulation  
Eileen Heeney, Deputy Attorney General  
Gayle Melvin, Administrative Specialist III

### **MEMBERS ABSENT**

Andrew Staton, Professional Member, Vice Chairman  
James C. Brannon, Jr., Public Member

### **ALSO PRESENT**

Tim Riale  
Denise Tatman, DAR  
Crystal Hudson, SCAOR  
Tom Burns

## **CALL TO ORDER**

Mr. White called the meeting to order at 9:02 a.m.

## **REVIEW OF MINUTES**

A motion was made by Mr. Allamong, seconded by Mr. Emory to approve the minutes of the meetings held on January 13 and 27, 2011. The motion passed unanimously.

## **HEARINGS**

### **Case No. 02-17-07 Against Dawn Daniels**

The hearing for Case No. 02-17-07 against Dawn Daniels was cancelled. The consent agreement will be reviewed by the Commission at the March meeting.

### **Case No. 02-11-07 Against Thomas Kashner**

The Commission reviewed the consent agreement for Case No. 02-11-07 against Thomas Kashner. According to the consent agreement, Mr. Kashner will receive a letter of reprimand, be required to successfully complete three hours of approved continuing education in ethics in addition to the continuing education required for license renewal and pay \$1,200 to Ms. Josephine Nardone. A motion was made by Mr. Allamong, seconded by Mr. Whitfield to accept the consent agreement. The motion passed by majority vote. Mr. White voted against the motion.

## **NEW BUSINESS**

### **Applications for Licensure**

A motion was made by Ms. Stokes, seconded by Mr. Emory to ratify the following new salesperson applicants as presented:

Earle Ford, Long & Foster, Bear, DE  
Julie Ann Spagnolo, Long & Foster, Bethany Beach, DE  
Marie Constantini, Keller Williams, Christiana, DE  
Renato Amatucci, Lewes Realty Inc., Lewes, DE  
Roxanne Johnson, Long & Foster, Bear, DE  
Yves John Larose, Prudential Fox & Roach, Bear, DE  
Karen Landis, Keller Williams, Christiana, DE  
Fred Drewery, Prudential Fox & Roach, Bear, DE  
Thirin Tanpitukpongse, Fameco Real Estate, Plymouth Meeting, PA  
Daniel Mitchell, Patterson-Schwartz, Hockessin, DE  
Lisa Brainard, Patterson-Schwartz, Hockessin, DE  
Thomas Urian, Patterson-Schwartz, Hockessin, DE  
Jeanne Davis, Keller Williams, Middletown, DE  
Brian Boulden, Coldwell Banker Preferred, Wilmington, DE  
Ryan Wilner, KLNB, LLC, Towson, MD  
James Terrill, Condominium Realty, Ocean City, MD  
Richard Harpster, Keller Williams, Middletown, DE  
Charles Rappa, Prudential Fox & Roach, Hockessin, DE  
Chris Akhimien, Long & Foster, Bear, DE

Steven Hill, Harrington ERA Realty Inc., Dover, DE  
Bruce Summer, Cooper Realty Associates, Inc., Lewes, DE  
Andrew Ly, Keller Williams, Wilmington, DE  
Megan Maule, Long & Foster, Bear, DE  
Colin Flynn, The Flynn Company, Philadelphia, PA  
Hilary Daly, Keller Williams, Christiana, DE  
Kimberly Kennedy, Prudential Fox & Roach, Bear, DE  
Debra Thorson, Prudential Fox & Roach, Hockessin, DE  
James Burris, Patterson-Woods & Associates, Wilmington, DE  
Andrew Deshane, Patterson-Woods & Associates, Wilmington, DE  
Timothy Cabrey, Maggio Shields, Rehoboth Beach, DE  
Peggy Butler, Keller Williams Realty Central Delaware, Dover, DE  
Francis Mondzelewski, Long & Foster, Bear, DE  
Kevin Ohara, Emory Hill Real Estate Services, Inc., New Castle, DE

The motion passed unanimously.

The application of John Ambrosia for a non-resident broker's license was reviewed. A motion was made by Mr. Harrington, seconded by Mr. Allamong to approve this application subject to receipt of a list of 30 transactions that he has supervised as the broker of record. The motion passed unanimously.

The application of Pamela Meding for a non-resident broker's license was reviewed. A motion was made by Ms. O'Brien, seconded by Mr. Harrington to approve this application. The motion passed unanimously.

The application of Sam Hodges for a non-resident broker's license was reviewed. A motion was made by Mr. Whitfield, seconded by Mr. Harrington to approve this application. The motion passed unanimously.

The application of Braheem Farlow for a non-resident broker's license was reviewed. A motion was made by Ms. Stokes, seconded by Mr. Whitfield to approve this application. The motion passed unanimously.

The application of Charles Hoban for a resident salesperson's license was reviewed. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Sara Wycoff for a resident salesperson's license was reviewed. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Chris Hitchens for a resident salesperson's license was reviewed. A motion was made by Mr. Allamong, seconded by Mr. Harrington to approve this application. The motion passed unanimously.

#### New Office

The application of Platinum Realty for a new office was reviewed. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Sperry Van Ness-Corporate Property Strategies LLC for a new office was reviewed. A motion was made by Mr. Whitfield, seconded by Mr. Harrington to approve this application. The motion passed unanimously.

The application of Axxess Realty for a new office was reviewed. A motion was made by Mr. Allamong, seconded by Ms. O'Brien to decline this office because there is no sign that is permanently affixed and no separate entrance to the office. The motion passed unanimously.

#### Reinstatement of Licenses

The application of Carl Hill for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Emory, seconded by Mr. Whitfield to approve Mr. Hill for reinstatement pending passing the state and national portions of the exam. The motion passed unanimously.

The application of Gigetta Millner for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Harrington, seconded by Mr. Allamong to approve Ms. Millner for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Larry Morton for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Harrington, seconded by Mr. Allamong to approve Mr. Morton for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of David Sheehan for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Harrington, seconded by Ms. Stokes to approve Mr. Sheehan for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Gregory Bunitsky for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Harrington, seconded by Ms. O'Brien to approve Mr. Bunitsky for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of James Barczewski for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Harrington, seconded by Mr. Allamong to approve Mr. Barczewski for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

A discussion was held concerning the number of reinstatement applications from Keller Williams Realty. It was also noted that a majority of the rule to show cause hearings held on January 27, 2011 were for licensees from Keller Williams Realty. Mr. White indicated that he will be filing a complaint against the broker of record for Keller Williams Realty for failure to supervise.

#### Status of Complaints

Complaint No. 02-19-09 – Hearing date will be scheduled as soon as possible.

Complaint No. 02-26-09 – Hearing date will be scheduled as soon as possible.

Complaint No. 02-51-09 – Hearing date will be scheduled as soon as possible.

Complaint No. 02-21-10 – Closed

#### Education Committee Report

Mr. Riale reported that the Subcommittee to discuss the Canon Code of Ethics for Delaware has been formed. Mr. Tarburton will be the Chairperson of this Subcommittee.

Mr. Riale reported that a letter will be sent to course providers regarding the recent changes in the updated broker's core course approved by the Commission at the last meeting.

Mr. Riale also reported that the Subcommittee is developing a draft outline for the "Train the Trainer" course and will present the outline for review at the March Commission meeting.

A discussion was held regarding the Canon Code of Ethics. It was discussed that the CIS is the statement of ethics and that the Code of Ethics should be an expansion of statutory agency. A motion was made by Mr. Allamong, seconded by Mr. Harrington that the Subcommittee develop an outline for the Code of Ethics built around the statute and rules and regulations and not around the NAR Code of Ethics. The motion passed unanimously.

Mr. White asked about approving an instructor but not approving the course. Mr. Riale explained about the separate set of criteria for approving instructors. There is no relationship between the course and the instructor. A course could be approved and the instructor could not be approved. Mr. White asked if there is a disconnect in this process.

### **OLD BUSINESS**

#### **Review of Email from Mr. Whitfield Regarding the New Broker Continuing Education Requirements**

Commission members had received an email from Mr. Whitfield concerning the new broker continuing education requirements. Mr. Whitfield stated that the new requirements may impact the commercial broker's core course. It would not necessarily impact the time but the content, specifically the 3 hour ethics requirement. He asked that the Education Committee discuss designing a separate broker's core course for commercial brokers. Mr. Whitfield will send Ms. Williams his course outline and information on the current core course for commercial brokers.

### **NEW BUSINESS CONTINUED**

#### **Education Committee Report Continued**

#### **Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted**

A motion was made by Mr. Harrington, seconded by Mr. Emory to approve and deny course providers, instructor applications and student requests as noted in the minutes of the February 3, 2011 meeting of the Real Estate Education Committee. The motion passed unanimously.

#### **Review Resume from Tom Burns for Appointment to Education Committee to Fill the Kent County Vacancy**

The Commission reviewed the resume for Tom Burns which was submitted to be considered for appointment to the Education Committee as a Kent County professional member. A motion was made by Mr. Harrington, seconded by Mr. Whitfield to appoint Mr. Burns to the Education Committee. The motion passed unanimously.

#### **Review of Letter from Pamela Wadler Requesting to be Licensed With Two Offices**

The Commission reviewed the letter from Pamela Wadler requesting to be licensed with two offices. Ms. Wadler will be advised that the Commission has reviewed her letter and she should submit the necessary paperwork for approval.

#### ARELLO 2011 Mid-Year Meeting – April 4-6, 2011

The ARELLO 2011 Mid-Year Meeting will be held on April 4-6, 2011 in Destin, Florida. Mr. Allamong has expressed an interest in attending. Mr. While reported that he will be attending because he is on a working group for ARELLO. A motion was made by Mr. Harrington, seconded by Mr. Allamong to approve Commission members to attend the Mid-Year Meeting in accordance with the Division of Professional Regulation's travel policy. The motion passed unanimously.

#### **OLD BUSINESS CONTINUED**

##### Sign Final Orders from Rule to Show Cause Hearings Held on January 27, 2011

The final orders from the rule to show cause hearings held on January 27, 2011 for Kehinde Adebisi, Angela Palumbo-Hastings and Stephen Tait was signed by Commission members.

#### **OTHER BUSINESS BEFORE THE COMMISSION** (for discussion only)

Mr. Emory commented on continuing education. He suggested sending an email to the brokers reminding them about their responsibility in making sure their agents complete the required continuing education. A discussion was held about licensees not obtaining their continuing education credits and a brokers' failure to supervise. A motion was made by Mr. Emory, seconded by Ms. Stokes to send a letter to Stacey Stewart, DAG bringing her attention to the rules and regulations about continuing education. The motion passed unanimously.

Mr. Allamong asked about changing the date of the May Commission meeting. Ms. Heeney will provide Ms. Melvin with dates that she is available. Ms. Melvin will then check with Commission members regarding their availability.

Ms. Heeney provided Commission members with a draft email to licensees regarding the new seller's disclosure forms. The Commission approved the email as written and asked that Ms. Melvin forward it to Mr. Collins for review and approval.

#### **PUBLIC COMMENT**

Ms. Tatman stated that at the meeting last month the Commission had voted to approve the new broker's core course outline, and now the Commission had asked the Education Committee to consider different criteria for the commercial brokers. She felt that a motion was needed. A motion was made by Mr. Whitfield, seconded by Mr. Allamong to instruct the Education Committee to discuss having a separate broker's core course for commercial brokers. The motion passed unanimously.

Mr. Burns thanked the Commission for appointing him to the Education Committee. He next addressed the Commission about an issue that he is having with TREND concerning rule and regulation 7.3.1 which requires a licensee to disclose that he or she is the owner of a property. He asked for a clarification of this rule and regulation. Ms. Heeney reminded the Commission that they are not authorized to provide a clarification or offer advisory opinions.

The Commission took a recess from 11:16 a.m. to 11:25 a.m.

**OLD BUSINESS CONTINUED**

**Joint Sunset Committee Public Hearing – February 17, 2011**

The Joint Sunset Committee Public Hearing will be held on February 17, 2011 from 6:00 p.m. to 9:00 p.m. Mr. Collins and Ms. Warren were present to discuss the procedures for the Public Hearing. They also answered questions and discussed concerns from Commission members.

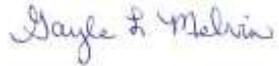
**NEXT SCHEDULED MEETING**

The next meeting will be held on Thursday, March 10, 2011 at 9:00 a.m.

**ADJOURNMENT**

A motion was made by Mr. Harrington, seconded by Ms. O'Brien to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:52 a.m.

Respectfully submitted,



Gayle L. Melvin  
Administrative Specialist III